

Performance Partnership Agreement

between

**The State of Idaho
Division of Environmental Quality**

and

EPA Region 10

for the period July 1, 1996 through June 30, 1997



TABLE OF CONTENTS

Performance Partnership Agreement between Idaho Division of Environmental Quality and EPA Region 10

I.	INTRODUCTION	1
	Purpose	1
	Organization of the Agreement	1
	Performance Measures	2
	Grant Mechanism and Allocation of Resources	2
II.	GEOGRAPHIC-BASED MANAGEMENT	2
III.	WATER QUALITY	2
IV.	AIR QUALITY	6
V.	HAZARDOUS WASTE	8
VI.	HAZARDOUS WASTE/PETROLEUM CLEANUP PROGRAM (NON-RCRA)	8
VII.	COMPLIANCE AND ENFORCEMENT	9
VIII.	POLLUTION PREVENTION	9
IX.	ENVIRONMENTAL INDICATORS	10
X.	DISPUTE RESOLUTION	10
XI.	AGREEMENT	10

Performance Partnership Agreement

for FY97 between

Idaho Division of Environmental Quality

and

EPA Region 10

I. INTRODUCTION

Purpose

The purpose of this Performance Partnership Agreement is to set forth agreement and action on priority environmental issues within our jurisdiction for the coming year. The priority issues and activities reflected in this document have been mutually established by the Idaho Division of Environmental Quality (DEQ) and the U.S. Environmental Protection Agency Region 10 (EPA).

This is the first Performance Partnership Agreement between DEQ and EPA. The Performance Partnership Agreement is based on the understanding that EPA and the State of Idaho are full partners in environmental protection. As such, this agreement establishes the framework for a more shared approach to environmental management, which emphasizes the mutual identification of priority issues and working together to address those issues. This new working relationship will also provide more flexibility and less oversight of each party in carrying out agreed-upon activities. The Performance Partnership Agreement framework is intended to lead to more efficient and focused use of EPA and DEQ resources (both financial and technical) to enhance environmental protection.

Both Agencies recognize that numerous on-going relationships and commitments will continue in force. Unless superseded by this Agreement, all existing commitments, program agreements, and statutory requirements remain in effect.

Organization of the Agreement

This document contains the priority goals, objectives, and activities for each of DEQ's core programs, and for agency-wide priorities such as geographic-based management and pollution prevention. The priorities contained in this agreement are consistent with those enumerated in DEQ's and EPA's strategic plans. This agreement is organized into the following sections:

- . Water Quality
- . Air Quality
- . Hazardous Waste (RCRA)
- . Hazardous Waste/Petroleum Cleanup (non-RCRA)
- . Compliance and Enforcement
- . Geographic-based Management
- . Pollution Prevention
- . Environmental Indicators

EPA and DEQ understand that if a specific program's ongoing activities are not covered in this agreement as a major, mutual priority of the agencies, it does not necessarily mean this activity will no longer continue. The full range of the agencies' activities are identified in other agency planning documents.

Performance Measures

Performance measures for the activities identified in this document will be contained in DEQ's "Performance Plan", to be developed by September 1, 1996. The Performance Plan will include, but not be limited to, EPA's recommended core program measures, measures to evaluate EPA's and DEQ's progress in implementing the activities identified in the Performance Partnership Agreement, and measures to evaluate the environmental outcomes of the activities identified in the agreement. The Performance Plan will be completed by September 1st. In September, 1996 DEQ will also issue its first State of the Environment report, which will report on trends in environmental conditions based on selected environmental indicators.

Grant Mechanism and Allocation of Resources

For FY97, all EPA assistance grants to DEQ will be categorical grants. The categorical grant work plans prepared by DEQ will identify how resources will be allocated among program activities, including proposed investments and disinvestments.

II. GEOGRAPHIC-BASED MANAGEMENT

[Other sections of this agreement also contain geographic-based management goals and objectives. The items listed in this section are those which are not associated with a particular media program.]

Goal A: Create partnerships with all relevant parties, both governmental and non-governmental.

- Objective A1: EPA and DEQ are committed to working directly with the tribal governments that reside within the borders of the State of Idaho on a government-to-government relationship consistent with Governor Batt's Proclamation of June 20, 1995.
- Objective A2: EPA and DEQ endeavor to encourage and promote cooperation and mutual problem solving between EPA, the State of Idaho, and tribal governments to resolve environmental problems of mutual concern.
- Objective A3: Hold a training workshop for appropriate DEQ and EPA staff on how to form effective partnerships and on meeting facilitation skills.
- Objective A4: Continue to develop and plan for how to act on ideas for enhancing partnership development, including DEQ involvement in local land use and other existing planning processes, and better defining the tools/information that partners may need from DEQ.

Goal B: Enhance DEQ's ability to analyze and display data from a multimedia and geographic perspective.

- Objective B1: Create a small work group of DEQ central office staff, regional office staff, and EPA staff to determine specific needs and capabilities for improving geographic-based data management. These will include software, hardware, and training considerations.

III. WATER QUALITY

[Letter and number designations are for ease of reference, they do not indicate priority]

Goal A: Maintain a core water program capable of attaining and maintaining beneficial uses and minimizing risk to human health and the environment.

- Objective A1: Define Idaho's core water quality program, specifying minimum activities and necessary resources.
- a. DEQ and EPA will work together to define Idaho core water program (to include drinking water, ground water, wastewater, and surface water programs and associated standards and requirements) and identify funding needs.
 - b. DEQ and EPA will develop improved performance measures for Performance Partnership Grants.
- Objective A2: Implement a drinking water program to ensure that all public water systems are providing safe water.
- a. DEQ will maintain primacy in the drinking water program.
 - b. DEQ will evaluate the reauthorized safe drinking water act and make program changes as needed.
 - c. DEQ will explore the possibility of using state revolving funds (SRF) for public water system infrastructure improvements.
 - d. DEQ will maintain technical assistance for public water systems.
 - e. DEQ will maintain a compliance and enforcement program to assure high level of compliance by public water systems in Idaho.
- Objective A3: Implement Idaho's Ground Water Quality Plan by providing a framework for the coordination and protection of the ground water resources across the state.
- a. Develop and implement a regional ground water monitoring program.
 - b. Incorporate ground water protection into the watershed approach, TMDL and nonpoint source priorities.
 - c. Develop and implement a State ground water quality rule.
 - d. Implement a statewide wellhead protection program.
 - e. Develop/fund resources (staff) to implement these programs.
- Objective A4: Establish and implement protective and workable Idaho Water Quality Standards (WQS).
- a. Maintain and improve surface water quality standards and perform required triennial review.
 - b. Review, update and adopt numeric and narrative criteria
 - c. Revise the surface water quality standards to meet the objectives of the watershed approach.
 - d. Develop and adopt a waterbody use designation approach and criteria that are adequately protective of uses, with special attention to candidate or listed Endangered Species Act species.
 - e. Re-examine antidegradation policy and implementation methodology in light of passage of new water quality law.
- Objective A5: Review water quality permitting rules, identify possibilities for flexibility and streamlining. Further identify rules that unreasonably hinder opportunities for streamlining.
- Objective A6: Maintain adequate permitting, inspection, and enforcement programs which continue to meet Clean Water Act requirements, state water quality standards, waste water land application rules, subsurface sewage disposal rules, and cyanidation rules.
- Objective A7: Perform education, technical assistance, and outreach to inform citizens and stakeholders on methods to improve water quality, and seek to establish partnerships to improve water quality.

Goal B: Implement TMDL and 303(d) requirements using the watershed approach.

- Objective B1: DEQ and EPA will work towards addressing EPA's concerns with 39-3601.
- Objective B2: DEQ will develop proposed regulations implementing 39-3601 for adoption by the Legislature.
- Objective B3: EPA and DEQ commit to coordinating TMDL and permitting activities on a watershed basis.
- Objective B4: Find and develop alternative approaches to intensive TMDLs for 303(d) listed waters, acceptable to both EPA and DEQ, in order to achieve water quality standards within foreseeable time frames. Involve stakeholders in this process.
- Objective B5: EPA and DEQ will work together to implement court approved schedule for 303(d) water quality limited waterbodies.
- Objective B6: EPA will increase involvement on high priority TMDLs.
- Objective B7: EPA will provide adequate, timely review of all TMDLs.
- Objective B8: EPA will participate in key Basin Advisory Group and Watershed Advisory Group meetings.
- Objective B9: DEQ will maintain adequate watershed monitoring program to assist in TMDL prioritization and development of 303(d) list.
- Objective B10: EPA will provide timely and consistent technical assistance during development of high priority TMDLs.

Goal C: EPA will coordinate the resolution of water quality issues on reservation lands.

- Objective C1: EPA will coordinate development of TMDLs on reservation lands until completion of three party agreements.
- Objective C2: EPA will facilitate agreements for TMDL development and implementation on reservation lands.
- Objective C3: EPA will facilitate beneficial use assessment data/stream class assessment data collection on reservation lands.
- Objective C4: EPA will facilitate BURP monitoring (and other Clean Water Act responsibilities in addition to TMDLs) on reservation lands.

Goal D: EPA and DEQ will work together to address geographic areas that require high levels of effort and resources.

- Objective D1: EPA and DEQ commit to a high level of involvement in key geographic watershed locations.

Objective D2: EPA will provide timely review and constructive comments of watershed management plans associated with key geographic areas.

Goal E: Prompt correction of violations that threaten Idaho's environment or the health of Idaho's citizens to reduce pollution in navigable waters of the U.S.

Objective E1: EPA will take enforcement actions in coordination with DEQ against violators with significant noncompliance at facilities in Idaho, or unilaterally where Idaho does not address particular violations (e.g., criminal).

Objective E2: DEQ tracks minor facilities in priority watersheds, while EPA provides Permit Compliance System (PCS) data entry for major facilities to produce a list of major facilities in reportable noncompliance for the state of Idaho.

Goal F: Maintain widespread compliance with environmental laws, both to protect human health and the environment and to assure that those who violate the law do not obtain an economic benefit from their unlawful activity.

Objective F1: EPA will take the lead for non-delegated programs in initiating enforcement actions against significant violators, while DEQ provides inspection/investigative reports to support cases.

Goal G: Prevention of violations through use of applicable permitting, enforcement and compliance tools and targeted assistance.

Objective G1: Implement an effective NPDES program to control the discharge of pollutants (particularly toxics) into Idaho surface waters and into POTWs. In addition, manage a biosolids program that encourages beneficial use.

Objective G2: EPA, with cooperation from DEQ, continues to implement an effective NPDES program (issuance of permits to point sources, management of pretreatment, sludge and storm water programs).

- . EPA develops, with participation from DEQ, a yearly comprehensive permit plan for permitting facilities with an emphasis on priority watersheds (e.g., 303(d) TMDL schedule) and by critical categories (e.g., Mining and major New Sources).

- . EPA will continue to seek opportunities to build the state's capacity on NPDES permitting, pretreatment, sludge and storm water. At a minimum, EPA will provide training on water quality based permitting requirements.

- . DEQ and EPA will work jointly on an evaluation of NPDES program evaluation.

Objective G3: DEQ will continue to provide timely 401 certification of EPA NPDES permits.

Objective G4: EPA will implement the federally mandated pretreatment program within Idaho, including overseeing municipal program development and evaluation implementation and regulation for industrial facilities discharging to non-delegated POTWs.

Objective G5: EPA, in cooperation with DEQ, will implement the sludge program within the state insuring proper use and disposal of biosolids by POTWs.

Goal H: Continue compliance monitoring to determine causes of violations and develop programs to achieve compliance.

- Objective H1: DEQ and EPA will work together to provide accurate information about compliance and enforcement so that PCS data effectively produces the QNCR, and is capable of noting any violation trends for DEQ.
- Objective H2: DEQ will continue to conduct inspections in support of the NPDES program and enforcement of the Clean Water Act (CWA). A decision will be made at a later date to decide if that inspection support will continue as in the past, i.e., major municipals and major fish hatcheries, or for all facilities within priority watersheds, or a combination of both. (NOTE: Marty Bauer, Bureau Chief of Construction Permits Bureau, has polled each of the DEQ Regional Administrators to reach a decision on this; SCIRO and SEIRO indicate no changes in inspection support. The other regional offices will respond in the near future.)
- Objective H3: DEQ will investigate and respond to citizen complaints.
- Objective H4: EPA will conduct special inspections that DEQ may request, if resources are available.
- Objective H5: EPA will offer incentives for violators to come into and remain in compliance (e.g., self-audits).

IV. AIR QUALITY

[Letter and number designations are for ease of reference, they do not indicate priority]

Goal A: Maintain a core air quality program for the benefit of Idaho capable of assuring air quality standards are attained and maintained, and preventing significant deterioration.

- Objective A1: Define Idaho's core air quality program, specifying minimum activities and necessary resources.
- a. DEQ and EPA will work together to define Idaho core program and identify funding needs.
 - b. DEQ and EPA will develop improved performance measures for future Performance Partnership Grants/Agreements.
 - c. DEQ and EPA will work together to establish training needs and identify responsibilities on providing proper training to DEQ.
- Objective A2: Maintain permitting of new and existing sources which continue to meet federal and state rules and standards.
- Objective A3: Maintain compliance assurance program that continues to meet federal and state rules and standards.
- Objective A4: Maintain a statewide air monitoring and assessment system which meets state needs and federal requirements and provides information on air quality conditions statewide.
- a. DEQ will operate NAMS/SLAMS/SPM network statewide consistent with state and federal requirements.
 - b. EPA and DEQ will work together to ensure that EPA grant funding available for monitoring equipment needs best supports DEQ equipment amortization schedule.
 - c. EPA will provide timely review of state proposed exceptional and natural events.
 - d. EPA will provide technical support on complex monitoring issues, including access to appropriate staff for specialized issues.

- e. EPA will ensure routine ambient monitoring on federal jurisdiction lands impacting or included in state nonattainment areas and share the resulting data with DEQ.

Objective A5: Develop and implement State Air Quality Implementation Plan (SIP) to ensure protection of air quality statewide.

- a. DEQ will develop and implement state transportation and general conformity rules within the statutory deadline required by the final revised federal rule.
- b. EPA will provide training, guidance materials, and priority funding to support the transportation and general conformity rules.
- c. DEQ will proceed in redesignation planning for eligible nonattainment areas (e.g., Northern Ada County CO, Northern Ada County PM-10, Pinehurst PM-10).
- d. EPA will take action on pending Idaho SIP revision submittals (specifically Northern Ada County PM-10).
- e. DEQ will continue to carry out SIP base program elements, including public education, standards development, etc.

Goal B: Develop SIP elements and implement control strategies to improve air quality in areas which have experienced violations of ambient air quality standards.

Objective B1: Sandpoint will not violate air quality standards for PM-10 by the date identified in the approved SIP.

- a. DEQ and EPA will fulfill all waiver request requirements.
- b. EPA will review and provide written comments or recommend approval of the SIP revision consistent with requirements of the CAA.
- c. DEQ will continue development of the SIP control strategy.

Objective B2: Kootenai County will not violate air quality standards for PM-10 by the date identified in the plan submittal.

- a. DEQ will ensure continued implementation of the controls identified in the interim control plan.
- b. EPA will continue to support the DEQ innovative air quality planning effort in Kootenai County, and will postpone nonattainment designation contingent on: 1) DEQ meeting the schedules and terms of the MOU, and 2) there being no monitored violations.

Objective B3: Land under State jurisdiction in Power-Bannock Counties will not violate air quality standards for PM-10 by the date identified in the approved SIP. *[Assumptions: 1) Final EPA action on the DEQ SIP revision will not be contingent on the status of federal air quality planning efforts on the Fort Hall Indian Reservation; 2) EPA and DEQ will continue communications on the desirability of maintaining the moderate classification on state jurisdiction lands in the Power Bannock Counties nonattainment area. EPA will continue to exercise as much flexibility as allowed and necessary under the Clean Air Act regarding any classification action.]*

- a. DEQ will proceed with development of a revised SIP that addresses the deficiencies of the May 1993 SIP revision by the approved schedule.
- b. EPA will regulate federal jurisdiction sources to meet RACT or BACT (as appropriate) and ensure source control equity with State jurisdiction sources.
- c. Since the Power-Bannock Counties PM-10 SIP revision submitted by DEQ in May 1993 is not fully approvable, EPA will propose limited approval. Final action by EPA will be withheld pending DEQ submittal of a plan that can be fully approved.
- d. EPA will initiate timely ambient PM-10 monitoring near major Ft. Hall reservation sources to document ambient source emissions in the federal/tribal portion of the NAA.

Goal C: Attain fully approved Title V Operating Permit Program by the end of federal fiscal year 1997.

- Objective C1: Resolve enforceability issues associated with Idaho's Environmental Audit rules.
- Objective C2: Insure that MACT standards are incorporated into Title V permits.
- Objective C3: EPA will continue to participate in Idaho's environmental task force, provide timely guidance on proposed rulemaking initiatives, and promulgate SIP revisions and Title V rulemaking expeditiously.

Goal D: Address emerging air quality issues in a proactive manner.

- Objective D1: Address smoke management issues posed by increased prescribed burning on publicly managed wildlands.
- a. DEQ will continue to coordinate with other western states to address issues relative to prescribed burning on publicly managed wildlands.
 - b. DEQ will work towards completion of a smoke management plan, as resources permit.
- Objective D2: Develop and implement a state emergency action plan to minimize impacts on public health from wildfires and assess air quality impacts.
- a. EPA will consider wildfires as natural events.
 - b. DEQ will work through WESTAR to develop and implement a wildfire emergency action plan.
- Objective D3: Prepare for and encourage reasoned implementation of revised PM standard.
- a. EPA will provide funding to support equipment purchases for start-up or conversion of state monitoring for the new standard.
 - b. DEQ will continue to coordinate with other Western States on standard implementation issues.
- Objective D4: EPA will evaluate WDOE-DEQ jurisdictional issues relative to Washington State standards.

V. HAZARDOUS WASTE

Goal: To maintain a federally authorized hazardous waste program capable of assuring proper management of hazardous waste to protect human health and the environment in the State of Idaho

- Objective 1: To maintain an authorized permitting, closure and corrective action program for new and existing treatment, storage and disposal facilities which satisfies federal and state hazardous waste rules and standards
- Objective 2: To maintain hazardous waste enforcement and compliance assistance program for federal and state hazardous waste rules and standards
- Objective 3: Maintain a rulemaking, authorization, and technical data management program necessary to continue operation of the federally authorized hazardous waste program

VI. HAZARDOUS WASTE/PETROLEUM CLEANUP PROGRAM (NON-RCRA)

Goal: To protect human health and the environment from past, ongoing and future releases of hazardous materials and petroleum products.

- Objective 1: Establish DEQ/EPA agreement to address site screening/assessment activities
- Objective 2: Perform emergency and short term response actions taken to stabilize and/or cleanup imminent, substantial threats
- Objective 3: To remediate hazardous waste /petroleum sites in accordance with existing programs, agreements and schedules, in a cost effective and timely manner

VII. COMPLIANCE AND ENFORCEMENT

Goal: To maximize use of our combined resources by implementing complementary strategies to promote and maintain compliance.

- Objective 1: Develop specific agreements between EPA and DEQ concerning roles, strategies, and relationships for compliance and enforcement activities. Activities undertaken should emphasize innovation, pollution prevention, and a "beyond compliance ethic", but must also ensure adequate compliance monitoring and effective deterrent enforcement by the regulators.
- Objective 2: Review existing state and federal law for its authority to provide for the use of creative settlements, including but not limited to the use of Supplemental Environmental Projects, by the agencies and the regulated community when proposed during settlement negotiations. Consider changes to statute and policy development, as necessary.

VIII. POLLUTION PREVENTION

Goal A. Recognizing it is more resource efficient and enhances environmental protection to prevent pollution rather than correct problems once they occur, DEQ and EPA will integrate preventative measures into programs and activities.

- Objective A1: Adopt DEQ Pollution Prevention (P2) vision statement as DEQ guidance.
- Objective A2: Train DEQ employees to practice P2 and to identify P2 opportunities.
- Objective A3: Include a P2 component in all grant work plans.
- Objective A4: Target implementation of P2 activities into up to four prioritized functional areas, as approved by senior management.
- Objective A5: EPA will provide P2 leadership by example and action.
 - a. EPA's senior management will actively encourage prevention-based approaches with EPA managers and staff in their interactions with DEQ.
 - b. EPA will use regulatory flexibility in considering non-traditional/prevention-oriented approaches to environmental problems.

Goal B. Provide and enhance P2 expertise. Provide a focused support for successful planning and implementation of prevention efforts.

- Objective B1: Make P2 technical assistance and educational resources available to internal and external audiences through P2 Resource Center.

- Objective B2: Develop measurable goals for P2 activities and identify indicators for measuring success of P2.
- Objective B3: Evaluate Pacific NW Regional P2 Strategy and implement elements as appropriate for DEQ and Idaho.

IX. ENVIRONMENTAL INDICATORS

Goal: Develop environmental indicators to assess the outcomes of environmental management activities.

- Objective 1: Review currently available environmental indicators for all programs (air, water, waste, etc.) for which data are available. Select an initial array of indicators on which long term performance of program activities will be assessed. This array will include stresses on the environment, e.g. water discharges, air emissions, pounds of contaminate stabilized; as well as indicators of the state of the environment, e.g. ambient air quality, ambient water quality, groundwater quality.
- Objective 2: Establish base lines and report trends in the initial indicators.
- Objective 3: Identify additional, desirable environmental indicators for which data or methods need to be further developed and establish a plan to acquire the data or methods for additional indicators which are feasible.
- Objective 4: Annually review the system of environmental measures and initiate improvements as necessary.

X. DISPUTE RESOLUTION

DEQ and EPA will use an agreed upon dispute resolution process to handle the conflicts that are certain to arise as we implement our environmental programs and will treat the resolution process as an opportunity to improve our joint efforts.

The resolution process incorporates the following principles:

- . recognition that conflicts arise as a normal part of the DEQ/EPA relationship;
- . disagreements are mutual problems requiring joint efforts to resolve disputes;
- . discussions are opportunities to improve our relationship and our delivery of service to the public;
- . resolutions should be pursued at the staff level, while keeping management informed;
- . documentation of discussions, to memorialize decisions; and
- . prompt resolution of conflicts so as not to cause undue delays in accomplishing tasks and achieving objectives.

XI. AGREEMENT

This agreement is hereby entered into this _____ day of _____, 1996, and remains in effect until _____, unless amended or terminated by mutual consent.

Wallace N. Cory, Administrator
Idaho Division of Environmental Quality

Chuck Clarke, Regional Administrator
U.S. Environmental Protection Agency--
Region X